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October 30, 2020

By ECF

Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Melius v. New York City Council and Andy King
20 Civ. 5237 (ER) (SLC)
Our No. 2020-024687

Dear Judge Ramos:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel for the City of New York, attorney for defendant New York City Council (“Defendant” or “Council”) in the above-referenced action. Defendant writes to respectfully explain its reasons for redacting certain portions of its answer to the Complaint, and to request permission to file a complete answer under seal. In response to the Council’s request for plaintiff’s consent to the request, plaintiff stated that she could not take a position on the proposed redactions until after she reviewed them, however defendant was not able to provide them to plaintiff in advance of filing. Co-defendant Andy King did not respond to the Council’s October 26, 2020 email seeking to ascertain King’s position on the request.

There have been multiple confidential investigations conducted by the Council into allegations of misconduct against Councilmember King. Many of the allegations contained in the Complaint refer to King’s former staff members by name who participated in or were a subject of one or more of these confidential investigations concerning allegations against then-Councilmember King. Those individuals’ identities have not been made public, and were anonymized in the Council’s Committee on Standards and Ethics’ reports following the investigations. The Council is under a continuing obligation to protect the identities of those individuals and preserve the confidentiality of the information they provided or that was uncovered in connection with the investigations and subsequent hearings, but is unable to respond to certain of the Complaint’s allegations without explicitly or tacitly revealing those individuals’ identities.

Defendant Council, having filed a partially-redacted answer, is prepared to file its full and unredacted answer to the Complaint under seal and to transmit a confidential hard copy of the unredacted answer to the Court once permission to do so is granted. Pursuant to the

HONORABLE EDGARDO RAMOS

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Southern District's Electronic Case Filing Rules & Instructions, Rule 6.9, the Council requests that access to the document be restricted under the "Selected Parties" designation, such that only attorneys who have appeared in the case and court personnel will be able to view the document.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Leo T. Ernst

Leo T. Ernst
Assistant Corporation Counsel

cc: Kevin Mintzer, P.C. (By ECF)